

ELECTRONICALLY
FILED
Nov 15 2018
U.S. DISTRICT COURT
Northern District of WV

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Civil No. 2:18-cv-117 (Bailey)

FORTY-SEVEN MISCELLANEOUS FIREARMS
AND ACCESSORIES,

Defendants.

VERIFIED COMPLAINT FOR FORFEITURE *IN REM*

The United States brings this complaint and alleges as follows in accordance with Rule G(2) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions:

NATURE OF THE ACTION

1. This is a civil forfeiture action brought to enforce the provisions of 21 U.S.C. §§ 881(a)(6) and (a)(11) against property involved in violations of the Controlled Substances Act.

THE DEFENDANT *IN REM*

2. The defendants are forty-seven miscellaneous firearms and accessories (hereinafter, the "Defendant Property") seized from Lot 28 Valley View Trailer Park, Dailey, West Virginia, and Unit 94 Storage Locker at A-1 Self Storage, 100 Hanley Street, Elkins, West Virginia, and are more particularly described as:

- a. Raven Arms MP25 Pistol CAL: 25 [CATS ID: 17-ATF-030458];
- b. Lasserre S.A. Super Comanche Pistol CAL: Unknown [CATS ID: 17-ATF-030459];
- c. Charter Arms Bulldog Revolver CAL: 44 [CATS ID: 17-ATF-030460];
- d. Tanfoglio, F.LLI, S.N.C. Unknown Pistol CAL: Unknown [CATS ID: 17-ATF-030461];

- e. Glock Inc. 22 Pistol CAL: 40 [CATS ID: 17-ATF-030462];
- f. SWD M11/9 Pistol CAL: 9 [CATS ID: 17-ATF-030463];
- g. Sarsilmaz (SAR Arms) SARK2 Pistol CAL: 45
[CATS ID: 17-ATF-030464];
- h. Ruger 9E Pistol CAL: 9 [CATS ID: 17-ATF-030465];
- i. Smith & Wesson 908 Pistol CAL: 9 [CATS ID: 17-ATF-030466];
- j. SCCY Industries, LLC (SKYY IND.) CPX-1 Pistol CAL: 9
[CATS ID: 17-ATF-030467];
- k. Tokarev Unknown Pistol CAL: 7.62 [CATS ID: 17-ATF-030468];
- l. Ruger M77 Rifle CAL: 223 [CATS ID: 17-ATF-030469];
- m. Savage 24V Series D Combination Gun CAL: 223/20
[CATS ID: 17-ATF-030470];
- n. Mossberg 640KC Rifle CAL: 22 [CATS ID: 17-ATF-030471];
- o. Keystone Sporting Arms Crickett Rifle CAL: 22
[CATS ID: 17-ATF-030472];
- p. Marlin Firearms Co. Unknown Rifle CAL: Unknown
[CATS ID: 17-ATF-030473];
- q. Noble Mfg. Co. 275 Rifle CAL: 22 [CATS ID: 17-ATF-030474];
- r. Winchester 1200 Shotgun CAL: 12 [CATS ID: 17-ATF-030475];
- s. Thompson/Center Arms Co. Contender Rifle CAL: 223
[CATS ID: 17-ATF-030476];
- t. Remington Arms Company, Inc. 1100 Shotgun CAL: 12
[CATS ID: 17-ATF-030477];
- u. New England Firearms Handi Rifle CAL: 280
[CATS ID: 17-ATF-030478];
- v. Colt AR15 Rifle CAL: 223 [CATS ID: 17-ATF-030479];
- w. Mossberg 500A Shotgun CAL: 12 [CATS ID: 17-ATF-030480];
- x. New England Firearms Pardner Shotgun CAL: 20
[CATS ID: 17-ATF-030481];
- y. Shotgun CAL: Unknown [CATS ID: 17-ATF-030482];
- z. New England Firearms Pardner Shotgun CAL: 410
[CATS ID: 17-ATF-030483];
- aa. Mossberg Unknown Shotgun CAL: Unknown
[CATS ID: 17-ATF-030484];
- bb. Gemtech (Gemini Technologies) Outback II Silencer CAL: 22
[CATS ID: 17-ATF-030485];
- cc. Rossi S41 Rifle CAL: 22 [CATS ID: 17-ATF-030486];
- dd. Israel Weapon IND-IWI (Israel Military IND-IMI) Uzi B Pistol CAL: 22
[CATS ID: 17-ATF-030487];

- ee. One Black Powder, .44 CAL Cap and Ball Revolver
[CATS ID: 17-ATF-030488];
- ff. TC Muzzleloader Black Powder, .50 CAL Rifle
[CATS ID: 17-ATF-030489];
- gg. A.S.M. Muzzleloader Black Powder, .50 CAL Rifle
[CATS ID: 17-ATF-030490];
- hh. Connecticut Valley Arms, Muzzleloader Black Powder, CAL. 50
[CATS ID: 17-ATF-030491];
- ii. One Magazine and black plastic box [CATS ID: 17-ATF-030492];
- jj. Pistol Magazine (9 rounds of 9mm cartridges);
[CATS ID: 17-ATF-030494];
- kk. 9 Rounds Unknown Ammunition CAL: 9 [CATS ID: 17-ATF-030495];
- ll. 10 Rounds Unknown Ammunition CAL: 40 [CATS ID: 17-ATF-030496];
- mm. Pistol Magazine (10 rounds of .40 CAL cartridges);
[CATS ID: 17-ATF-030497];
- nn. Pistol Magazine (6 rounds of 9MM cartridges)
[CATS ID: 17-ATF-030498];
- oo. 6 Rounds Unknown Ammunition CAL: 9 [CATS ID: 17-ATF-030499];
- pp. Pistol Magazine (11 rounds of .45 CAL cartridges)
[CATS ID: 17-ATF-030500];
- qq. 11 Rounds Unknown Ammunition CAL: 45 [CATS ID: 17-ATF-030501];
- rr. NORINCO (North China Industries) SKS Rifle CAL: 7.62
[CATS ID: 17-ATF-030502];
- ss. Diamondback Arms Inc. DB-15 Rifle CAL: 556
[CATS ID: 17-ATF-030503];
- tt. Jimenez Arms J.A. 22 Pistol CAL: 22 [CATS ID: 17-ATF-030504]; and
- uu. Jimenez Arms J.A. 22 Pistol CAL: 22 [CATS ID: 17-ATF-030505].

3. The Defendant Property is presently located in the custody of the Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF") in Clarksburg, West Virginia, in the Northern District of West Virginia.

JURISDICTION AND VENUE

4. This action to remedy a violation of 21 U.S.C. § 841 by forfeiting property under 21 U.S.C. § 881, is governed by 18 U.S.C. § 983.

5. The Court has subject matter jurisdiction under 28 U.S.C. §§ 1345 and 1355(a), because this forfeiture action has been commenced by the United States.

6. The Court has *in rem* jurisdiction pursuant to: (1) 28 U.S.C. § 1355(b)(1)(A) because acts and omissions giving rise to the forfeiture occurred in this district; (2) 28 U.S.C. § 1355(b)(1)(B), incorporating 28 U.S.C. § 1395, because the property is located in this district; and (3) 28 U.S.C. § 1355(b)(1)(B), incorporating 21 U.S.C. § 881(j), because a criminal prosecution of the owner of the property has been brought in this district.

7. Venue is proper pursuant to 28 U.S.C. § 1355(b)(1)(A) because acts and omissions giving rise to the forfeiture occurred in this judicial district.

8. Upon the filing of this complaint, the plaintiff requests that the Clerk issue an arrest warrant *in rem* pursuant to Supplemental Rule G(3)(b)(i), which the plaintiff will execute upon the property pursuant to 28 U.S.C. § 1355(d) and Supplemental Rule G(3)(C).

BASIS FOR FORFEITURE

9. The Defendant Property is subject to forfeiture under the following alternative theories, either of which is a sufficient basis for forfeiture:

a. Pursuant to 21, U.S.C. § 881(a)(6) because it is constitutes things of value furnished or intended to be furnished by any person in exchange for a controlled substance, or constitutes proceeds traceable to such an exchange; and

b. Pursuant to 21 U.S.C. § 881(a)(11) because it constitutes firearms (as defined in section 921 of Title 18) used or intended to be used to facilitate the transportation, sale, receipt, possession, or concealment of controlled substances or raw materials, products, and equipment used, or intended for use, in manufacturing, compounding, proccession, delivering, importing, or exporting any controlled substance.

10. To the extent applicable, pursuant to 21 U.S.C. § 881(h), all right, title and interest in the Defendant Property vested in the United States upon commission of the acts giving rise to the forfeiture in this action.

FACTS

11. The following facts establish a reasonable belief that the government will be able to meet its burden of proof at trial. The facts alleged in this Complaint are based upon information and belief, the sources of which are agents and reports from the Mountain Region Drug And Violent Crime Task Force (the “Task Force”), the Drug Enforcement Administration (the “DEA”), the Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”), the United States Forest Service (the “USFS”), and other written and oral information received by the United States Attorney’s Office for the Northern District of West Virginia.

12. In April 2015, the Task Force made controlled purchases of crystal methamphetamine from several individuals in Randolph County, in the Northern District of West Virginia.

13. The methamphetamine purchased by the Task Force during a controlled purchase on April 7, 2015, was 99.5% pure.

14. Methamphetamine is a Schedule II drug-controlled substance.

15. The investigation expanded to reveal a large-scale methamphetamine trafficking conspiracy beginning on or around May 13, 2013, to on or about October 18, 2016.

16. The investigation identified Shawn Michael Moser (“Moser”) as a methamphetamine distribution conspirator.

17. At all relevant times, Moser’s traveled to Virginia to obtain the methamphetamine he distributed.

18. At all relevant times, Moser sold crystal methamphetamine for \$1,700 an ounce.
19. At all relevant times, Moser traded firearms for narcotics.
20. Moser stored firearms traded for narcotics at the home of the parents of a co-conspirator in Dailey, West Virginia.
21. Moser stored firearms traded for narcotics in a storage unit in Elkins, West Virginia.
22. On October 28, 2015, law enforcement executed a search warrant at Lot 28, Valley

View Trailer Park, Dailey, West Virginia, and seized the following Defendant Property:

- a. Raven Arms MP25 Pistol CAL: 25 [CATS ID: 17-ATF-030458];
- b. Lasserre S.A. Super Comanche Pistol CAL: Unknown [CATS ID: 17-ATF-030459];
- c. Charter Arms Bulldog Revolver CAL: 44 [CATS ID: 17-ATF-030460];
- d. Tanfoglio, F.LLI, S.N.C. Unknown Pistol CAL: Unknown [CATS ID: 17-ATF-030461];
- e. Glock Inc. 22 Pistol CAL: 40 [CATS ID: 17-ATF-030462];
- f. SWD M11/9 Pistol CAL: 9 [CATS ID: 17-ATF-030463];
- g. Sarsilmaz (SAR Arms) SARK2 Pistol CAL: 45 [CATS ID: 17-ATF-030464];
- h. Ruger 9E Pistol CAL: 9 [CATS ID: 17-ATF-030465];
- i. Smith & Wesson 908 Pistol CAL: 9 [CATS ID: 17-ATF-030466];
- j. SCCY Industries, LLC (SKYY IND.) CPX-1 Pistol CAL: 9 [CATS ID: 17-ATF-030467];
- k. Tokarev Unknown Pistol CAL: 7.62 [CATS ID: 17-ATF-030468];
- l. Ruger M77 Rifle CAL: 223 [CATS ID: 17-ATF-030469];
- m. Savage 24V Series D Combination Gun CAL: 223/20 [CATS ID: 17-ATF-030470];
- n. Mossberg 640KC Rifle CAL: 22 [CATS ID: 17-ATF-030471];
- o. Keystone Sporting Arms Crickett Rifle CAL: 22 [CATS ID: 17-ATF-030472];
- p. Marlin Firearms Co. Unknown Rifle CAL: Unknown [CATS ID: 17-ATF-030473];
- q. Noble Mfg. Co. 275 Rifle CAL: 22 [CATS ID: 17-ATF-030474];
- r. Winchester 1200 Shotgun CAL: 12 [CATS ID: 17-ATF-030475];
- s. Thompson/Center Arms Co. Contender Rifle CAL: 223 [CATS ID: 17-ATF-030476];

- t. Remington Arms Company, Inc. 1100 Shotgun CAL: 12
[CATS ID: 17-ATF-030477];
- u. New England Firearms Handi Rifle CAL: 280
[CATS ID: 17-ATF-030478];
- v. Colt AR15 Rifle CAL: 223 [CATS ID: 17-ATF-030479];
- w. Mossberg 500A Shotgun CAL: 12 [CATS ID: 17-ATF-030480];
- x. New England Firearms Pardner Shotgun CAL: 20
[CATS ID: 17-ATF-030481];
- y. Shotgun CAL: Unknown [CATS ID: 17-ATF-030482];
- z. New England Firearms Pardner Shotgun CAL: 410
[CATS ID: 17-ATF-030483];
- aa. Mossberg Unknown Shotgun CAL: Unknown
[CATS ID: 17-ATF-030484];
- bb. Gemtech (Gemini Technologies) Outback II Silencer CAL: 22
[CATS ID: 17-ATF-030485];
- cc. Rossi S41 Rifle CAL: 22 [CATS ID: 17-ATF-030486];
- dd. Israel Weapon IND-IWI (Israel Military IND-IMI) Uzi B Pistol CAL: 22
[CATS ID: 17-ATF-030487];
- ee. One Black Powder, .44 CAL Cap and Ball Revolver
[CATS ID: 17-ATF-030488];
- ff. TC Muzzleloader Black Powder, .50 CAL Rifle
[CATS ID: 17-ATF-030489];
- gg. A.S.M. Muzzleloader Black Powder, .50 CAL Rifle
[CATS ID: 17-ATF-030490];
- hh. Connecticut Valley Arms, Muzzleloader Black Powder, CAL. 50
[CATS ID: 17-ATF-030491];
- ii. One Magazine and black plastic box [CATS ID: 17-ATF-030492];
- jj. Pistol Magazine (9 rounds of 9mm cartridges);
[CATS ID: 17-ATF-030494];
- kk. 9 Rounds Unknown Ammunition CAL: 9 [CATS ID: 17-ATF-030495];
- ll. 10 Rounds Unknown Ammunition CAL: 40 [CATS ID: 17-ATF-030496];
- mm. Pistol Magazine (10 rounds of .40 CAL cartridges);
[CATS ID: 17-ATF-030497];
- nn. Pistol Magazine (6 rounds of 9MM cartridges)
[CATS ID: 17-ATF-030498];
- oo. 6 Rounds Unknown Ammunition CAL: 9 [CATS ID: 17-ATF-030499];
- pp. Pistol Magazine (11 rounds of .45 CAL cartridges)
[CATS ID: 17-ATF-030500]; and
- qq. 11 Rounds Unknown Ammunition CAL: 45 [CATS ID: 17-ATF-030501].

23. On December 11, 2015, law enforcement executed a search warrant at Unit 94 Storage Locker at A-1 Self Storage, 100 Hanley Street, Elkins, West Virginia, and seized the following Defendant Property:

- a. NORINCO (North China Industries) SKS Rifle CAL: 7.62
[CATS ID: 17-ATF-030502];
- b. Diamondback Arms Inc. DB-15 Rifle CAL: 556
[CATS ID: 17-ATF-030503];
- c. Jimenez Arms J.A. 22 Pistol CAL: 22 [CATS ID: 17-ATF-030504]; and
- d. Jimenez Arms J.A. 22 Pistol CAL: 22 [CATS ID: 17-ATF-030505].

24. On October 18, 2016, a grand jury sitting in the Northern District of West Virginia returned a Forty-One Count Indictment, in Case No. 2:16CR23, charging Moser, and nineteen co-defendants, with conspiracy to distribute methamphetamine, distribution of methamphetamine, and various violations of the Gun Control Act and racketeering activities.

25. On February 10, 2017, Moser pled guilty to conspiracy to distribute methamphetamine, in violation of 21 U.S.C. § 841.

26. In his plea agreement, Moser agreed to the forfeiture of the Defendant Property by stipulating that it is property constituting, or derived from, proceeds obtained directly or indirectly from the commission of his Controlled Substances Act offense of conviction, or was used or intended to be used to commit or to facilitate such violation.

COUNT ONE

27. Paragraphs 1 - 26 are incorporated by reference.

28. The Defendant Property is subject to forfeiture pursuant to 21 U.S.C. § 881(a)(6) because it constitutes things of value furnished or intended to be furnished by any person in exchange for a controlled substance, or constitutes proceeds traceable to such an exchange.

COUNT TWO

29. Paragraphs 1-28 are incorporated by reference.

30. The Defendant Property is subject to forfeiture pursuant to 21 U.S.C. § 881(a)(11) because it constitutes firearms (as defined in section 921 of Title 18) used or intended to be used to facilitate the transportation, sale, receipt, possession, or concealment of controlled substances or raw materials, products, and equipment used, or intended for use, in manufacturing, compounding, procession, delivering, importing, or exporting any controlled substance.

WHEREFORE, plaintiff prays that all persons who reasonably appear to be potential claimants with interests in the Defendant Property be cited to appear herein and answer the Complaint; that the Defendant Property be forfeited and condemned to the United States of America; that upon Final Decree of Forfeiture, the United States Marshal dispose of the Defendant Property according to law; that the plaintiff be awarded its costs and disbursements in this action; and that the plaintiff have such other and further relief as this Court deems proper and just.

Respectfully submitted,

WILLIAM J. POWELL
UNITED STATES ATTORNEY

By: /s/ L. Danaë DeMasi-Lemon
L. Danaë DeMasi-Lemon
Assistant United States Attorney
WV Bar No. 10814
United States Attorney's Office
1125 Chapline Street, Suite 3000
Wheeling, WV 26003
Phone: (304) 234-0100
danae.demasi@usdoj.gov

VERIFICATION

I, Wilmer (Gene) Smithson, III, hereby verify and declare that I have read the foregoing Verified Complaint for Forfeiture *In Rem* and know the contents thereof, and that the factual matters contained in the Complaint are true to my knowledge and belief. The sources of my knowledge are the official files and records of the United States, information supplied to me by law enforcement officers, and my participation in this investigation.

I hereby verify and declare under penalty of perjury as provided by 28 U.S.C. § 1746 that the foregoing is true and correct.

Dated: 11-15-2018

A handwritten signature in black ink, appearing to read 'Wilmer (Gene) Smithson, III', with a stylized flourish at the end.

Wilmer (Gene) Smithson, III
Special Agent
USDA Forest Service
Mountain Region Drug & Violent Crimes Task Force

JS 44 (Rev. 12/12)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

United States of America

(b) County of Residence of First Listed Plaintiff
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)
L. Danae DeMasi-Lemon, AUSA (304) 234-2100
1125 Chapline St., Suite 3000
Wheeling, WV 26003

DEFENDANTS

Forty-Seven Miscellaneous Firearms and Accessories

County of Residence of First Listed Defendant Randolph
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☒ 1 U.S. Government Plaintiff
☐ 2 U.S. Government Defendant
☐ 3 Federal Question (U.S. Government Not a Party)
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input checked="" type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from Another District (specify)
☐ 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Title 21, United States Code, Section 881

Brief description of cause:

Drug Related Seizure and Forfeiture of Property

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No

VIII. RELATED CASE(S)

IF ANY

(See instructions):

JUDGE John Preston Bailey

DOCKET NUMBER 2:16-CR-23

DATE

11/15/18

SIGNATURE OF ATTORNEY OF RECORD

Danae DeMasi-Lemon

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE